

REMARKS/ARGUMENTS

Reconsideration and withdrawal are respectfully requested for the rejection of claims 1-20 under 35 USC 112, first paragraph. Claims 1, 3-11 and 12-20 are in the application. Claims 1 and 11 have been amended. Claims 2 and 12 have been canceled.

The Examiner states that the amendments made to the claims comprise new matter because the new limitation in the claims regarding the molar equivalents of hypohalite is described as pertaining only to a batch process. Applicant traverses.

There is no mention in the specification that the parameters given on pages 12-23 pertain only to a monphasic process with quantitative relationships (batch process). In fact, on the second paragraph of page 23, immediately preceding the paragraph discussing the additional limitations to the claims, it states "The pH of the aqueous phase of the reaction mixture of *the process according to the invention* . . ." (emphasis added). No mention is made of limiting the features to only the batch-type process within the scope of the invention. Furthermore, page 28, line 2, states "The process according to the invention can be carried out in batch mode or in the form of a continuous

reaction." Thus the phrase "process according to the invention" relates to both batch and continuous processes. Applicant had no intention of limiting the features discussed on pages 12-23 of the application to only batch processes, as those features pertain to all processes within the scope of the invention. The Examiner's reliance on the one mention of a batch process nine pages earlier in the specification, with no further mention prior to the recitation of the additional claim limitations on page 23, cannot be used as evidence that the applicant intended the features on page 23 to pertain only to batch processes.

Furthermore, an Example is given in the specification of a continuous process that uses an amount hypohalite that is within the claimed range. Pages 39-40 of the specification describe a process where 61 mmol of 2-propan-1-ol/min are mixed with 152 mmol hypochlorite/min. The molar ratio of hypochlorite to alkyne alcohol in this mixture is 2.49, which is within the range of 2-5 given in claims 1 and 11.

Finally, original claim 8, which depends from claim 1, and original claim 18, which depends from claim 11, have always claimed between 2 and 3 molar equivalents of hypohalite. Again, this is within the range specified in claims 1 and 11.

Accordingly, Applicant submits that claims 1-20 as previously amended are fully supported by the specification.

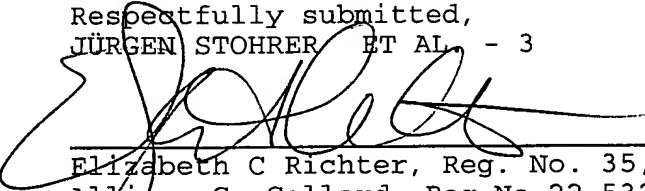
As discussed in the previous response, the present invention, and all the claims, are patentable under 35 U.S.C. 103 over all the prior art applied by the Patent Examiner. Withdrawal of this ground of rejection is respectfully requested.

Applicant has amended claims 1 and 11 to conform to the elected species, as suggested by the Examiner. Claims 2 and 12 have been canceled. Accordingly, applicant submits that claims 1, 3-11 and 13-20 are now in condition for allowance.

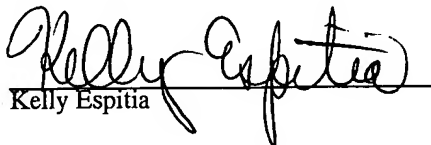
A prompt Notification of Allowability is respectfully requested.

Respectfully submitted,
JÜRGEN STOHRER ET AL. - 3

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
ECR:rd


Elizabeth C Richter, Reg. No. 35,103
Allison C. Collard, Reg.No.22,532
Edward R. Freedman, Reg.No.26,048
Attorneys for Applicant

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 22, 2006.


Kelly Espitia